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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
07/775,418	10/15/91	MCMASTER	H GLT-1225-R

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EXAMINER
LINDSAY JR, R

ART UNIT	PAPER NUMBER
1303	6

DATE MAILED: 09/09/92

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on July 17, 1992 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-20 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-20 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☒ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

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The amendment filed July 17, 1992 is informal because the proposed amendments to claims 17-20 do not comply with 37 CFR 1.121(e), which sets forth the manner of amending claims in reissue applications. The claims should be underlined throughout since they are new to the reissue application.

Applicant is notified that any subsequent amendment to the specification and/or claims must comply with 37 C.F.R. § 1.121(e).

The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. § 112, first paragraph, as the specification as originally filed, does not provide support for the invention as now claimed.

First it is noted that the disclosure does not provide for only two platens with quench openings but requires that a plurality of movable platens. Otherwise, the sheet could not be bent or shaped in any other manner as to have a flat sheet. Essentially, as recited in claims 17 and 18, only two platens and quench openings are recited in the claims. This is outside of the scope

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of the disclosure and does not contain enough structure to describe a useful invention due to the claims broad, all encompassing nature. In claim 19 there is no original disclosure to support "quench portions of platens opposing each other." The quench portions are not shown to be lined up, even if "portion" is interpreted to mean the quench openings.

Claim 20, as amended, is still replete with new matter since throughout the claim "tubes" is recited. The tube of the claim that is being copied from patent 5009693 is entirely different from the openings disclosed in the instant application since the tube of the patent provides space for rollers. The disclosure of the instant invention is entirely different from what is claimed and appears frivolous in nature due to the vast difference between the inventions.

As to claim 17, there is no enablement to form means to receive a bent sheet. The apparatus instantly disclosed, in nature is to receive a flat sheet. No disclosure is given as to how the bent sheet could be received in the apparatus and how damage would not result from puffing the bent sheet into the apparatus.

The argument that column 2, lines 38-42 and column 4, lines 42 and 43 provide support for the omission of bending lacks merit since these passages in no manner suggest that bending is not

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required.

The second paragraph on page 10 of the response, filed July 17, 1992 (paper #5) argues that a skilled artisan would know that the platens are to receive a bent glass sheet. This argument is unsound since the artisan would not be inclined to put a bent sheet between the platens since he would not know how to transport the sheet or to place the sheet without breakage or damage to the heated sheet. It appears that a bent sheet would not properly fit between the platens unless it were bent to a very specific shape. There is no indication from the disclosure that this could or would be feasible.

The argument at page 10, third, and fourth paragraphs is without merit since the quoted passage of the disclosure has nothing to do with leaving out the actuator. Accordingly, as to claims 17 and 18, there is no enablement to eliminate the actuator.

The reissue declaration filed with this application is defective because it fails to comply with the requirements of 37CFR1.63 as required CFR 1.175(a).

The objections to the declaration on pages 7-9 of the first office action are repeated. The declaration filed July 17, 1992 is inadequate since it is a declaration of Mr. Fildes and not of the inventors. Moreover, the declaration has not been ratified and

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accordingly is of no probative value. However, the declaration is inadequate since it only appears to deal with opinions rather than facts, especially since the newly proposed claims are outside of the scope of the disclosed invention.

Claims 1-20 are rejected as being based on a defective reissue declaration under 35 USC 251. See CFR 1.175.

The section under Wholy or Partly Inoperative on page 10 of the first office action is repeated. The argument of validity and commercial success has no patentable meaning in this reissue patent since the above defects have not been properly presented or corrected.

Prior Art Rejections

Claims 17-19 are rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103 as obvious over Yoshizawa, Nashi, or McMaster '854.

These claims are rejected similarly as set forth in the first office action.

The argument that Yoshizawa contains no teaching or suggestion of deformable platens is without merit since the cloth is deformable. The pores through the cloth 4 discharge gas when in contact with a glass sheet through passage 7 through openings on the surface of the deformable platens. The claims are written in

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such a broad manner as to include apparatus that is not even remotely similar to the disclosed invention and fail to specifically define over the applied art.

As to Nashi et al, the pads 11 constitute a deformable surface and the openings deliver a gas. Applicants' arguments as to a deformable surface or a ring mold are more specific than the broadly worded claims. The language in the claims is so broad as to include the deformable platens of Nishi.

In regard to McMaster '584, it is argued that there is no deformable plate. This argument is also more specific than the claims since deformable is a relative term and the claims are so broad as to read on this reference. The surface of McMaster is indeed deformable since when under pressure, the platen will at least elastically deform.

Claims 1-19 are rejected on the ground of double patenting previously as explained on pages 13 and 14 of the first office action.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED

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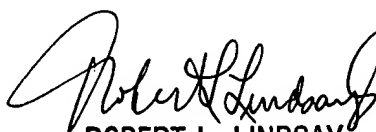
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UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Lindsay whose telephone number is (703) 308-1163.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0651.

Lindsay/ad
September 02, 1992


ROBERT L. LINDSAY
PRIMARY EXAMINER 9/8/92
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